



State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095  
(603) 271-2900 FAX (603) 271-2456



July 23, 2003

**Certified Mail**  
**Return Receipt Requested**

**Letter of Deficiency**  
**No. WMD 03-17**

Richard Aho  
36 Smithville Road  
New Ipswich, NH 03071

**Re: SWC 03-040, Oak Hill Road, New Ipswich, NH**

Dear Mr. Aho:

On July 16, 2003, the Department of Environmental Services, Waste Management Division ("DES") conducted an inspection of your property located at Oak Hill Road, New Ipswich, NH ("Site"). The purpose of the inspection was to determine your compliance status with RSA 149-M and rules adopted pursuant thereto relative to the proper management of solid waste.

During the July 16, 2003 inspection, DES personnel observed or learned the following

1. In the upper back area of the gravel pit there is approximately 20 cubic yards of construction and demolition debris, mostly painted wood.
2. Construction and demolition debris consisting of, but not limited to, metal, drywall, shingles, insulation, and painted wood, has been buried in the area directly across from 80 Oak Hill Road.

This letter serves to inform you that the above referenced Site conditions constitute violations of RSA 149-M, specifically:

- |                 |  |
|-----------------|--|
| RSA 149-M:9, I  | Operating an unpermitted solid waste facility                          |
| RSA 149-M:9, II | Failure to dispose of solid waste at a permitted solid waste facility. |

DES believes that the cited deficiencies can be corrected by completing the following requested remedial actions within the time indicated:

1. **Immediately** cease operating an unpermitted solid waste facility.
2. **Immediately** cease disposing of solid waste to an unpermitted solid waste facility
3. Remove all solid waste at the Site, specifically construction and demolition debris, by **September 1, 2003**, to a solid waste facility permitted to handle such wastes. Burning of this material is not allowed.
4. **By September 8, 2003**, submit to DES written confirmation that these steps have been completed, including **copies of all disposal receipts** for the solid waste, at the address below.

**Letter of Deficiency No. WMD 03-17**

**Page 2**

Please address all correspondence and reports regarding this matter to:

Carl Woodbury  
Department of Environmental Services  
6 Hazen Drive  
Concord, NH 03301  
Fax: (603) 271-2456

In the event compliance is not achieved within the time period indicated above, DES may initiate formal enforcement action against you, including issuing an order requiring the deficiencies to be corrected and/or referring the matter to the New Hampshire Department of Justice for imposition of civil and/or criminal penalties. DES reserves the right to pursue administrative fines for the violation(s) noted above.

Your prompt cooperation is appreciated. Please contact Carl Woodbury at (603) 271-3899 if you have any questions or need further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kenneth W. Marschner', is written over a large, bold, black 'COPY' stamp.

Kenneth W. Marschner  
Administrator  
Waste Management Programs

Certified Mail RRR#: 7000 1670 0000 0584 3113

CC: DB/File/Town  
Philip J. O'Brien, Ph.D., P.G., Director, WMD  
Gretchen Rule, DES Legal Unit  
Jay Hopkins, Selectman, New Ipswich, NH